



CITY COUNCIL

Public Works Committee

Monday, April 20, 2009

Agenda

5:00 p.m.

Committee Members: M. Goodman-Hinnershitz Chair, D. Sterner, S. Fuhs

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| COMMITTEE OF THE WHOLE | 4:45 pm |
| CDBG Amendment – allocation of Stimulus funding | |
| Executive Session - Interview with candidate for Zoning Administrator | |

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| I. Update - Zoning Amendment to allow firing range on Fritz Island | 5:00 pm |
| II. Review Audits of Capital Projects | 5:15 pm |
| Projects currently underway and projects completed | |
| III. East Ends Contract – Update | 5:45 pm |
| Results of tour and response to request for renegotiation | |
| IV. Update closure of Hillside Swimming Association | 6: |
| V. Update on Hazel St tunnel project | 6:00 pm |



CITY COUNCIL

Public Works Committee

Monday, March 16, 2009
Meeting Report

Committee Members Attending: M. Goodman-Hinnershitz, D. Sterner; S. Fuhs

Others Attending: L. Kelleher; C. Younger, V. Spencer, C. Jones, C. Heminitz

2009 Capital Improvement Program Review

Ms. Goodman-Hinnershitz asked everyone to review the proposed amendments to the CIP (Capital Improvement Program) enacted in November 2008.

Ms. Goodman-Hinnershitz asked Mr. Jones when the firing range construction will begin on the grounds of the Waste Water Treatment Plant. Mr. Jones replied that the survey of the property is complete. The required zoning amendment was delayed until the completion of the survey. He stated that Ms. Mayfield should have the draft zoning ordinance completed by the beginning of April.

The following capital projects are planned for 2009

- Guardrail replacement \$230,000 (No reduction)
- Northmont Playground Renovation \$80,000 (Reduced by \$80,000, covered by CDBG)
- Stadium Repairs \$1,300,000 (Reduced by \$25,700,000)
- Penn Room and Council Chambers Webcasting \$50,000 (Reduced by \$200,000)
- Street Sweeper Purchase (Deleted)
- Front End Loader Purchase (Deleted)
- NE Branch Library Repairs \$70,000 (No reduction)
- Right of Way Improvements (Deleted)

Ms. Goodman-Hinnershitz inquired if the Pagoda roof repair falls under the capital budget or if it will be covered by the City's property insurance. Mr. Jones explained that the roof repairs are not covered in the capital program and the cost for the repairs is less than the deductible with the City's property insurance. Kleckner Roofing was hired to make the repairs as they specialize in slate and terra cotta roof repairs.

Mr. Sterner inquired if the security improvements to City Hall are planned. Mr. Jones stated that the security project was budgeted for 2008 and is scheduled to begin in mid May.

East Ends Lease Agreement

Ms. Goodman-Hinnershitz stated that at the February meeting Council suggested that the Administration reduce the temporary lease agreement payment from \$1,000 per month to \$750 per month. She also inquired if the tour and inspection of the property has been arranged. Mr. Jones explained that Ms. Heminitz will arrange the tour/inspection. Those touring the facility will include property maintenance, trades and health inspectors, representatives from Public Works and City Council. Mr. Younger stated that East Ends will be approached about the increase in the monthly lease payment. Ms. Goodman-Hinnershitz and Mr. Sterner suggested that the Administration handle this renegotiation carefully as the City does not want to force East Ends to vacate.

Bernhart's Park and Dam Update

The group reviewed the memorandum issued by Attorney Peg Hill announcing the EPA's intent to perform additional soil and ecological testing.

Ms. Goodman-Hinnershitz inquired about the inspection of the dam breast. Mr. Jones stated that the water level in the dam will be lowered to allow for the inspection of the dam breast. He explained that Bernhart's Dam is considered a high priority dam due to the capacity of the lake and the threat it presents to life and property downstream. These arrangements have not yet been made.

Ms. Fuhs requested a copy of the Act 91 regulations regarding dam safety.

Other Business

Copies of the monthly Consent Decree Project report, an article about the City's recycling program authored in part by Mr. Jones in the APWA (American Public Works Association) and the December 2008 Finance Report was distributed.

The Public Works Committee adjourned at approximately 6:00 p.m.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

FOLLOW-UP ISSUES

- Zoning Amendment to allow public buildings in areas zoned for Preservation (Legal)
- Audits of all Capital projects underway and completed (Finance & Auditor)
- Tour of East Ends Association
- Renegotiation of East Ends lease agreement
- Testing of Hazel St area & Public Meeting w/ Hazel St residents



M E M O R A N D U M

TO: Managing Director
FROM: Vaughn D. Spencer, President of Council
Public Works Committee
DATE: October 2, 2008
SUBJECT: East Ends Lease Agreement

At their September 15th meeting the Public Works Committee discussed the current lease arrangement with the East Ends Association. The contract expired a few years ago and the Committee and I request that you and the Solicitor immediately begin to renegotiate this lease agreement. A copy of the brief prepared by Council staff is attached along with the Public Works meeting report. We ask that you be prepared to provide reports on the negotiation process at each Public Works Committee meeting.





SUBJECT: East Ends Social Club located in Mineral Spring Park.

The Assessment Office also reported that on **October 22, 2002 the building was provided with exempt status by the Assessment Board**. They could not determine from their records who filed the application.

LEASE AGREEMENTS: Our records show the first formal lease agreement with East Ends ran from 1974 through 1979 and the second running from 1996 through 2001.

The **1974-79 lease agreement** contained provisions for monthly rental payments of \$125 and required payment of utilities and real estate taxes. Through conversations with former City officials we learned that utility costs were billed to the City and forwarded to and paid by East Ends. The City paid the property taxes but it is uncertain if East Ends ever reimbursed the City.

During **the 1996 negotiations** it was discovered that utility payments were not always reimbursed by East Ends and that the City still provided trash collection. It was also discovered that the property taxes paid by the City were not reimbursed by East Ends. During negotiations the City made it clear that East Ends needed to have the utilities switched over to their organization. East Ends was also advised that maintenance of the facility and trash collection was their responsibility.

The **1996-2001 lease agreement** raises the monthly rent payment to \$500, payable to the Finance Director's Office or his designee. This agreement also requires the Lessee to promptly remit property taxes levied on the property. The lease also requires the Lessee to maintain, repair and plow the access road from the point depicted on Exhibit A.

The lease, which expired in 2001, contains an optional 5 year renewable clause that was not exercised by the City or East Ends. The lease also allows the City to terminate the lease by providing 180 day notice if the City "decides in its sole discretion that the premises are needed for or to further the exercise of its municipal powers for the benefit of the public." It also provides that if any term of the lease is in arrears, is unpaid, or if the said Lessee underlets or stops using the premise for a private club without obtaining written consent from the City, the City may file eviction proceedings with the Courts.

The lease also states that "all goods on the premise shall be liable to distress in the event rent, utilities, property taxes are unpaid and if rubbish, trash are not removed from the premise and grounds and for non-fulfillment of and covenants herein contained. In the event the Lessee desires an assessment appeal, the Lessor will provide legal assistance with any and all costs reimbursed."

UTILITY & OTHER PAYMENTS: RAWA confirmed that East Ends pays their monthly water/sewer bills. Public Works has confirmed that the electric service has been changed to East Ends. Tax confirmed that East Ends has a business license and remits proper payments. Codes confirmed that East Ends has a current Health Permit.

ATTACHMENTS: 1974-79 and 1996-2001 Lease Agreements; Park and Rec Plan information on property

Public Works Committee
FY 2008
GOALS AND OBJECTIVES

GOAL 1: REVIEW AND RECOMMEND FOR ADOPTION A STORMWATER MANAGEMENT ORDINANCE TO COMPLY WITH PADEP REGULATIONS.

GOAL 2: EVALUATE CONTRACTS FOR LINE PAINTING AND TRAFFIC SIGNAL AND STREETLIGHT MAINTENANCE.

- Ensure the Public Works Department prepares specifications and awards contracts to the lowest responsible bidders, for the maintenance of essential operations.
- Develop areas, based on concerns related to individual Council Districts, requiring streetlight maintenance.

GOAL 3: REPAVE/RECONSTRUCT CITY STREETS/MAINTAIN CURBING AND SIDEWALKS

- Determine the most effective method of developing and implementing a citywide street reconstruction and repaving program.
- Develop priorities for street repaving and reconstruction.
- Identify, based on Council Districts, in need of infrastructure improvements.

GOAL 4: COMPLETE ENGINEERING PLAN REVIEWS FOR PROPOSED DEVELOPMENT SITES.

- Ensure the Public Works Committee receives regular updates regarding development projects.

GOAL 5: ADDRESS THE CLEANLINESS OF CITY STREETS

- Evaluate current sweeping program procedures in an attempt to improve operations.

GOAL 6: BEAUTIFICATION/MAINTENANCE/EXPANSION OF THE PARKS SYSTEM

- Identify necessary, amongst the existing park system, necessary aesthetic improvements and prioritize improvements.
- Receive regular updates on the implementation of the City Park Master Plan and improvements to the Pagoda.

GOAL 7: RENOVATIONS TO CITY FACILITIES.

- Ensure improvements to City facilities are completed in a timely manner.

GOAL 8: ENSURE TIMELY IMPLEMENTATION OF CAPITAL IMPROVEMENTS PLAN PROJECTS

- Monitor CIP projects and receive regular status report from Public Works Director and Managing Director.

GOAL 9: STRENGTHEN RECREATION ACTIVITIES AND PROGRAMS AS A WHOLE.

- Improve, through amendment, the existing Park and Recreation Advisory Council ordinance.
- Discuss opportunities of expanding recreation opportunities through partnering with other organizations and the community.
- Work with other external recreation providers to coordinate programs and activities
- Identify more effective methods of providing recreation opportunities to a larger segment of the community.
- Consider expanding the Park Security Program.

GOAL 10: RECEIVE REGULAR UPDATES ON COMPLIANCE WITH ALL WASTE WATER PERMIT REQUIREMENTS (NPDES AND Air Quality) AND WASTE WATER TREATMENT PLANT OPERATIONS.

GOAL 11: REVIEW CONSENT ORDER AND OPERATION AND MAINTENANCE PLAN SCHEDULE

- Begin and continue reviewing the implementation of the wastewater treatment plant design and schedule including periodic updating of financial estimates.
- Approve Consent Decree timeline.
- Receive regular and complete financial updates

GOAL 12: CREATE STORMWATER UTILITY

- Review financial impact analysis.
- Develop legislation for review and adoption by City Council.

GOAL 13: MONITOR SOLID WASTE AND RECYCLING OPERATIONS

- Determine if improvements to the existing ordinance are necessary.
- Assist with the development of an education and enforcement campaign for all city residents on proper set out requirements for all municipal solid waste and recyclables.